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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199529
Party	Defendant Georgia Pellegrini Media Group, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial Nos. 76/702,199  
Mark: GIRL HUNTER

HUNTER BOOT LIMITED

*Opposer,*

vs.

GEORGIA PELLEGRINI MEDIA GROUP,  
LLC

*Applicant.*

Opposition No.: 91199529

**RESPONSE TO OPPOSER'S MOTION TO COMPEL**

Applicant, Georgia Pellegrini Media Group, LLC respectfully submits its Response to Opposer's Motion to Compel as follows:

From the outset of this litigation, opposer has purposefully made it as expensive and painful to applicant as possible. That is because opposer's strategy is to drive up costs and seek the triumph of procedure over substance. For example, despite the fact this matter is ideally suited to TTAB Accelerated Case Resolution (ACR), opposer is unrelenting in its refusal to use streamlined ACR procedures. Not surprisingly, opposer also refuses any form of mediation or other reasonable conflict resolution. After all, these mechanisms would keep costs down for the litigants *and* reduce attorneys' fees; an outcome opposer literally works to avoid at all cost.

**ANSWER**

Opposer's motion to compel and supplemental materials attempt to make up for in girth what they lack in substance. Opposer confuses the purpose of a motion to compel. Opposer's issues with applicant's responses are simply that opposer does not like the answers furnished by

applicant. Not their non-production or timing. For example, when applicant denied that its GIRL HUNTER mark was descriptive in a request for admission posed by opposer, opposer could not simply agree to disagree and accept applicant's answer.

Similarly, despite the fact that applicant has compiled and submitted hundreds of pages of materials responsive to opposer's discovery requests, opposer is intent on harassing applicant concerning further production. Applicant is unable to, and is not required to, produce documents that do not exist and/or are not under its reasonable custody or control. The hundreds of pages produced so far are those documents in applicant's custody, control or possession responsive to opposer's request. Applicant has fulfilled its lawful production obligations.

Opposer also goes to great lengths to harass applicant solely for the purpose of harassing applicant. For example, opposer insists upon acquiring from applicant the detailed contact information of all media people and/or journalists who have ever covered applicant. Given that applicant is a public figure and has appeared as a featured guest on Jimmy Kimmel Live! other national TV shows, and has been featured in The New Yorker and other publications, opposer's request is pure harassment. The media pieces submitted by applicant to opposer all possess the name of their respective author. Opposer is free to contact them through their place of work.

#### **OPPOSER'S REQUEST FOR A STAY OF DISCOVERY**

Despite applicant freely giving extensions to opposer (opposer is currently enjoying a 30 day extension afforded by applicant in which to submit *its* discovery responses), opposer now whines that it should not be required to produce its discovery responses, because, according to opposer, applicant is acting in "bad faith". Opposer's ongoing conduct and transparent request speak for themselves.

Applicant is eager to resolve this litigation. On the merits and on the merits.

Applicant respectfully request that opposer's motion to compel be denied so that the parties can focus on the substantive issues.

Dated this 2nd Day of May

Respectfully submitted,



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Attorney for Applicant

**CERTIFICATE OF SERVICE**

I certify that I have today caused the foregoing and accompanying exhibits to be today served upon Attorney of Record for Opposer.

/s robert kleinman  
Robert Kleinman